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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,147	01/21/2004	Andrew G. Tucker	15437-0589	6464

29989 7590 07/06/2007  
HICKMAN PALERMO TRUONG & BECKER, LLP  
2055 GATEWAY PLACE  
SUITE 550  
SAN JOSE, CA 95110

EXAMINER

PERUNGAVOOR, VENKATANARAY

ART UNIT	PAPER NUMBER
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2132

MAIL DATE	DELIVERY MODE
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07/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p style="text-align: center;"><b>Office Action Summary</b></p>	Application No. 10/763,147	Applicant(s) TUCKER ET AL.	
	Examiner Venkat Perungavoor	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/04-3/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 13-24 discloses the medium as waves see Par. 0084 of instant published application.

This is related to non-statutory subject matter.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 11, 13, 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6064811 to Spilo et al.(hereinafter Spilo).
5. Regarding Claim 1, 11, 13, 25, 26, Spilo discloses the establishing a global zone in the operating system controlled by a single operating system kernel instance see Fig. 1 item 12; establishing a non- global zone see Fig. 1 item 14 & 16; selectively limiting at least one visibility and access by processes associated with global zone to objects within a global zone and select objects within a non-global zone see Col 4 Ln 4-28; limiting visibility and access by processes associated with non-global zone to objects within non-global zone see Col 2 Ln 37-50.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
7. Claims 2-10, 12, 14-24, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6064811 to Spilo et al.(hereinafter Spilo) in view of EP0389151 to Mattson.
8. Regarding Claim 2-3, 9, 10, 14-15, 21-22, Spilo does not disclose receiving a request associated with global zone for visibility and access to object in non-global zone; determining whether the process is authorized for visibility and access and selectively changing one of visibility and access for requesting process. However, Mattson discloses the receiving a request associated with global zone for visibility and access to object in non-global zone see Page 3 Description view Par. 2("The requestor...") ; determining whether the process is authorized for visibility and access see Page 4 Description View Par. 2( "In a conventional...") & Page 5 Par. 1("If the data...")and selectively changing one of visibility and access for requesting process see Page 3 Par. 4("If the requested data...").It would be obvious to one having ordinary skill in the art at the time of the invention to include receiving a request associated with global zone for visibility and access to object in non-global zone; determining whether the process is authorized for visibility and access and selectively changing one of visibility and access for requesting process in the invention of

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Spilo in order to make available all memories as taught in Mattson see Page 3 Par. 3(“The requestor ...”).

9. Regarding Claim 4-5, 12, 16-17, 24 Spilo discloses the additional privileges and process having access to global and non-global zones see Col 2 Ln 37-62 & Fig. 2 item 22 & 24 & 26.
10. Regarding Claim 6-8, 18-20, Spilo discloses k categories of caches and having a hierachircal structure see Page 1 Description View Par.5 & Par. 6.
11. Regarding Claim 23, 27, Spilo discloses the establishing a global zone in the operating system controlled by a single operating system kernel instance see Fig. 2 item 12; establishing a non-global zone see Fig. 2 item 14 & 16; selectively limiting at least one visibility and access by processes associated with global zone to objects within a global zone and select objects within a non-global zone see Col 4 Ln 4-28; limiting visibility and access by processes associated with non-global zone to objects within non-global zone see Col 2 Ln 37-50. But does not disclose the authorizing of requests. However, Mattson discloses the determining whether the process is authorized for visibility and access see Page 4 Description View Par. 2( “In a conventional...” ) & Page 5 Par. 1(“If the data...”). It would be obvious to one having ordinary skill in the art at the time of the invention to include determining whether the process is authorized for visibility in the invention of Spilo in order to make available all memories as taught in Mattson see Page 3 Par. 3(“The requestor ...”).

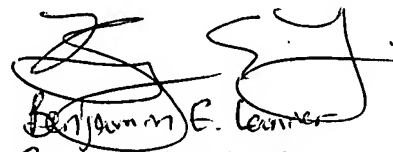
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***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VP/  
Venkat Perungavoor  
Examiner  
Art Unit 2132  
June 29, 2007

  
Benjamin E. Gerner  
Examiner AU 2132

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